

**TOWN OF KIRKWOOD
WORK SESSION**

April 27, 2010

Present: Supervisor Gordon Kniffen, presiding
Councilman Robert Weingartner
Councilman Lewis Grubham
Councilwoman Linda Yonchuk
Councilman William Diffendorf, Jr.

Also Present: Herbert Kline, Town Attorney
Gayle Diffendorf, Town Clerk
Richard Jones, DPW Commissioner

1. Discussion – Joseph Griffin for mowing the cemeteries. (RJJ)
Dick Jones explained that Joseph mows the cemeteries on Upper Court St. near the truck stop and Old State Rd. He said that the price is the same as last year and he mows once a week; the same schedule as mowing the parks. Councilman Diffendorf noted a concern, saying that he feels mowing could be cut back when it is dry and should only be done on an as needed basis. Dick Jones will oversee when mowing needs to be done. Resolution for 5-4-10.

2. Discussion – Universal Pump Station bids. (RJJ)
Dick Jones explained that he has 3 proposals to complete a survey at the pump station: Paul Koertz - \$5,700, Hawk Engineering - \$3,440, Williams & Edsall - \$5,700. He noted that Hawk Engineering is doing all the other work on the project. Since their proposal is the lowest, resolution for 5-4-10 to accept Hawk's proposal.

3. Discussion – Duane Batzel's contract for mowing. (RJJ)
Dick Jones explained that Duane Batzel mows the lawns for the town hall, highway garage and code building. He said that this year mowing the lawn across from the town hall has been eliminated from the contract. Dick also noted that the yard waste was eliminated; they are going to try to control that from within. Councilman Diffendorf noted a concern with the weekly mowing. So, as noted with the cemeteries, Dick will monitor mowing, which will be done on an as needed basis. The agreement will be amended to read as needed instead of weekly. Resolution for 5-4-10.

Councilman Grubham noted a concern about buying a mower out of reserve funds. He will look into information he has received in regard to contracting the mowing of the parks out verses the cost of equipment, gas, hours, etc., to see if there could be a savings.

4. Amendment to Employee Safety Guidelines – Page 4 – Fire Prevention Measures. (GEK)

Per Mr. Kline, resolution for 5-4-10 to remove: "Do not place or throw cigarettes and other smoking materials near combustibles. Never discard in wastebaskets or on the floor. Have ashtrays available at all times for use by visitors and/or yourself."

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It was noted that according to PERMA no smoking is allowed within 20 feet of a public building.

Short discussion on whether a warrant is required in order to do fire inspections as noted in an article in the Press & Sun Bulletin earlier in the week. Mr. Kline said that this should be put on hold; there may be an appeal. Currently if someone pushes the issue – get a warrant. Mr. Newberry said that he did have one problem, but was finally allowed to do the inspection.

5. Town of Kirkwood Policies, Rules and Regulations binder. (GEK)
At the suggestion of Mr. Kline, new binders containing all Town of Kirkwood Policies, Rules and Regulations have now been completed by Mary Kay Sullivan and Gayle Diffendorf and are available at any time for review. Copies are located in the following offices:

Town Clerk
Secretary to Supervisor
Town Attorney
Department of Public Works

6. Discussion – Forming a committee on the moratorium regarding issuance of flood plain permits. (GEK)
Supervisor Kniffen noted that the Board will wait to see how the vote goes and then form a committee to look at the flood maps.

7. ADP proposal for payroll service. (HAK)
Mr. Kline reported that originally he reviewed a proposal received by Jim Smith for a payroll service from Paychecks which had a lot of fine print and there were two things in particular that concerned him for which he was in discussions with the Paychecks rep. He explained that it involved indemnifying them for their negligence, etc. and their legal department was not willing to bend.

According to Mr. Kline the ADP proposal is much better in regard to the legal language, although he has not compared the economics. He said that from a legal standpoint he would recommend ADP. This will be revisited at the 5-4-10 meeting.

8. Report on Employee Reimbursement for Training. (LJY/WJD)
Councilwoman Yonchuk explained that they have not met as a committee yet. She noted that their biggest concern is that there is a policy in place and one question has come up because the policy wasn't implemented properly. She noted that the reimbursement issue needs to be addressed.

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9. Construction Trailers – Schedule Public Hearing. (GEK)
Resolution for 5-4-10 to schedule a public hearing for 5-25-10.

10. Audit of Claims.
Resolution for 5-4-10.

Additional Discussion.

In response to a question from Councilman Diffendorf regarding PERB, Mr. Kline explained the following: PERB wanted to know whether the Board wanted to proceed on the matter and by approving the resolution at the last meeting the Board agreed that PERB make the determination as to whether there were enough signature cards signed for there to be a unit; that is what the Board approved. After that PERB looked at the signature cards and they determined that there was more than the majority of signatures in the proposed unit, so based upon that they approved the unit that had been requested. The next step would be for the Board to appoint a negotiating committee to work with Paul Sweeney in discussions with the Teamster representatives. PERB had to be involved, they are the agency in Albany that recognizes union organizations. He said that apparently all of the 7 employees that requested the unit had signed signature cards.

Councilman Grubham initiated a discussion regarding the water situation; leak containment. He questioned the reported savings of 200,000 gallons a day. John Finch said that this is an average and some of the savings is from the trailer park on Route 11 which had a huge leak. He said that his records show that they were pumping between 1 and 1.3 million a day and now they are down to 700,000 to 900,000. The loss for 2009 was about 25% and most has been contained; should see quite a difference. He noted that measurements are in cubic feet. John said that everyone with a meter larger than 1 inch received a letter along with the new ordinance stating when they have to test the meters. He said they are given until August 31st, which is the end of the next billing cycle, to get their meter tested and on line and working properly. Most of the water has been made up from the leaks so most likely most of the meters are not faulty. Since this is lost water and not billed water it has no impact on the sewer. It was noted that the dramatic drop in Frito Lay's water consumption will be addressed. A meeting is scheduled with them. The fact that they are recycling a significant amount of water was noted. John said that 15 years ago they were pumping 900 to 1,000 gallons per minute and now they're down to 150 to 200 gallons per minute.

Councilman Grubham said that this has been going on since 2005 and he noted a concern that the Board did not find out about it until last year. John said they couldn't find the leaks but the leak in Highland Heights didn't surface for over 1 ½ years; they had companies up there looking for the leak

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It was noted that Frito Lay is replacing their meters. Mr. Kline said they will still have to calibrate and test the old meters because under the ordinance if the old meter was reading wrong the town gets an adjustment.

It was clarified that the DOT leak was past the meter; the trailer park leak as well. Dick Jones said that DOT's meter was not reading correctly as well because their bypass was partially open. That's being recalibrated. John noted that the trailer park used over 2 million gallons over the last two months and before that over 1 million. They haven't requested an adjustment yet. DOT was not monitored since it was a state job; will be monitored in the future.

In regard to the sewer consortium, Supervisor Kniffen said that currently it is back in the hands of the Albany lawyers. They needed permission to proceed since there was additional cost involved. They have requested FOILs from Johnson City and Binghamton and are reviewing the information as to the consortium's position. Mr. Kline said that a report will be available this week.